

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

DEREK FOLLEY,

Petitioner,

:

Case No. 3:22-cv-65

- vs -

District Judge Thomas M. Rose  
Magistrate Judge Michael R. Merz

KEITH J. FOLEY, Warden,

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Respondent.

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**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

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The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (ECF No. 108) to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that Petitioner's summary judgment motions (ECF Nos. 105 and 106) are denied without prejudice to their renewal after the record is complete.

August 22, 2022.

s/Thomas M. Rose

Thomas M. Rose  
United States District Judge